

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MOLLY HAMRICK, et al.,

Plaintiffs,

vs.

JONATHAN FELDMAN, et al.,

Defendants.

Case No. 2:13-cv-00078-MMD-PAL

ORDER

(Mtn to Substitute - Dkt. #94)

This matter is before the court on a Motion to Substitute Counsel (Dkt. #94) filed March 1, 2013. The Motion seek to substitute Wade Gochnour in the place and stead of R. Kyle Hawes, Jeff C. Wigginton, Brian McManus, Kelsey McPherson as counsel for Defendants Patriot Exploration, LLC; and Jonathan Feldman. Attorneys Keith Fleishman and Ananda Chaudhuri will seek admission pro hac vice to represent Patriot and Feldman. Second, the Motion also seeks to substitute Nicolas J. Santoro in the place and stead of R. Kyle Hawes, Jeff C. Wigginton, Brian McManus, Kelsey McPherson as counsel for Defendants Montcalm Co., LLC; and Matthew Barnes.

LR IA 10-6(c) requires that any stipulation to substitute attorneys shall be by leave of court and shall bear the signature of the attorneys and the client represented. It provides that the signature of an attorney to substitute into a case “constitutes an express acceptance of all dates then set for pretrial proceedings, for trial or hearing, by the discovery plan, or in any court order.” LR IA 10-6(d) also provides that the substitution of an attorney “shall not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in this case.” This case was transferred to this district on January 16, 2013, from the Southern District of Texas (Houston). There are currently two Motions to Compel (Dkt. ##63, 64) pending before the undersigned as well as a Motion for Reconsideration (Dkt. #66) and an Application to Appear Pro Hac Vice (Dkt. #95) pending before the district judge. Although good cause

exists to support the granting of the Motion regarding Defendants Patriot and Feldman, the Motion to Substitute does not comply with LR 10-6(c) because the proposed substitution as to Montcalm and Barnes does not contain Mr. Santoro's signature.

Accordingly,

IT IS ORDERED:

1. The Motion to Substitute (Dkt. #94) is GRANTED in part and DENIED WITHOUT PREJUDICE in part as set forth below.
2. Wade Gochmour is substituted in the place and stead of R. Kyle Hawes, Jeff C. Wigginton, Brian McManus, Kelsey McPherson as counsel for Defendants Patriot Exploration, LLC; and Jonathan Feldman.
3. The Motion to Substitute is DENIED WITHOUT PREJUDICE with respect to Defendants Montcalm and Barnes because the Motion does not comply with LR 10-6(c).

Dated this 4th day of March, 2013.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE